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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In the Matter Of

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Toll Free Service Area Codes

)

CC Docket No. 95-155

COMMENTS OF AMERICAN TELEGRAM CORPORATION

American Telegram Corporation ("ATC") hereby comments on the Notice of Proposed Rulemaking ("NPRM") issued in the above referenced proceeding.^{1/} In the NPRM, the Commission seeks comments on a wide variety of proposals concerning the use of toll free numbers, including how future toll free service access codes will be implemented.

As a phone dependent business, ATC is particularly sensitive to the issues concerning toll free number administration raised by the Commission. Toll free numbers must be used efficiently. ATC does not, however, support Commission proposals that would put unnecessary restrictions on 800 number subscribers who have secured specific toll free numbers for future business purposes. An 800 subscriber should be able to obtain the use of any future toll free number on a first come, first serve basis, and should also have a right of first refusal on the same number in the 888 (or future) service access code ("SAC").

DISCUSSION

ATC's primary business is sending and delivering domestic and international telegrams, and providing telegraphic and other messaging services. Much of ATC's business is originated

^{1/} Notice of Proposed Rulemaking, CC Docket No. 95-155, FCC 95-414 (October 5, 1995).

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via toll free numbers available nationwide. Customers dial the toll free number and reach an ATC representative who can transcribe the customer's message and have it delivered to the recipient by fax, by hand or by mail. The quality and efficiency of toll free service is essential to the business success of ATC.

One of the primary concerns for users of toll free numbers involves warehousing. Typically, the Responsible Organization ("RespOrg"), the entity responsible for managing the subscriber's toll free database records and coordinating with the service providers that provide the subscriber's toll free service, reserves and obtains toll free numbers without having actual subscribers for those numbers. ATC supports the Commission's proposal that would require a subscriber make an affirmative request from the RespOrg before a toll free number is assigned, so that there is not an unnecessary depletion of toll free numbers. However, a RespOrg or toll free service provider should not be required to pay a one time deposit into an escrow account for each number held in reserve status, as this will increase rates paid by subscribers.

The Commission should not impose restrictions or penalties on toll free subscribers who make a legitimate reservation of numbers for marketing at a later time. Often a business will reserve toll free numbers to take advantage of a future business opportunity. A subscriber should not be punished either through a monetary fine or loss of number reservation when it assigns that number for a fee to another company. As long as the number of assignments that are made are insignificant when compared to the subscriber's business operations, the selling or brokering of numbers by the subscriber should not be restricted. If a company can afford to pay subscriber fees for multiple numbers, it should be able to retain or barter those numbers as it sees fit. While

numbers are a public resource, the Commission should not infringe on a right of a subscriber to obtain any number available on a first come, first serve basis.

ATC also supports the Commission's efforts to implement some type of trigger that would alert the industry well ahead of time when a toll free code currently in use is nearing exhaustion. Making toll free market information available to the public would help reduce uncertainty as to usage, improve planning, and help companies minimize their costs. Implementation of such safeguards would help the industry better prepare for the implementation of future toll free codes.

Another area of concern involves the use of vanity numbers, where the letters associated with the telephone number spell a name or word that is of value to the subscriber, such as 1-800-FLOWERS. Because of the importance an individual subscriber places on his or her vanity number, the subscriber should have a right of first refusal on the vanity number associated with any new toll free SAC. A user of a vanity number should have a period of three months prior to the opening of a new toll free SAC in which he or she may claim the same number within the new code. If the subscriber does not exercise this right, the number would then be made available to anyone who seeks it.

Moreover, the Commission should not attempt to identify all possible vanity numbers. Rather, the burden should be on subscribers to exercise their right of first refusal with respect to any existing 800 or other toll free number the subscriber currently holds. Indeed, the right of first refusal should not be limited to vanity numbers.

Finally, though not specifically addressed in the NPRM, ATC is seriously troubled by the poor quality of the toll free service it has purchased from three of the largest facilities-based

carriers during the past three years. ATC has suffered countless outages, and hundreds of thousands of dollars of business losses as a result. ATC recommends that the Commission delegate this issue for consideration by the Network Reliability Counsel or institute a separate rulemaking that would propose, for example, toll free service quality standards or increase carrier liability for multiple network failures that cause toll free service subscribers huge business losses. Such rules might encourage carriers to provide the appropriate level of network support to avoid repeated outages.

CONCLUSION

American Telegram Corporation respectfully requests that the Commission adopt proposals in the proceeding consistent with the comments herein.

Respectfully submitted,

**AMERICAN TELEGRAM
CORPORATION**

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